

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

EDWARD ALAN YEARTA,

Plaintiff,

vs.

Case No. 2:17-CV-02117-SHM-egb

AMUSEMENTS OF AMERICA, INC.;
DELTA FAIR, INC.; UNIVERSAL FAIRS,
LLC; and BELLE CITY AMUSEMENTS,
INC.,

JURY DEMANDED

Defendants;

AMUSEMENTS OF AMERICA, INC. and
DELTA FAIR, INC.,

Cross-claim Plaintiffs,

vs.

BELLE CITY AMUSEMENTS, INC.

Cross-claim Defendant.

BELLE CITY AMUSEMENTS, INC.’S MOTION FOR SUMMARY JUDGMENT

Belle City Amusements, Inc. (“BCA”), by and through counsel, pursuant to Federal Rule of Civil Procedure 56, file Motion for Summary Judgment. BCA is entitled to summary judgment because there are no genuine disputes as to any material facts necessitating a jury trial, and BCA is entitled to summary judgment as a matter of law with respect to Amusements of America, Inc. (“AoA”) and Delta Fair, Inc. (“DF”)’s Cross-claims for express indemnification under the Independent Attraction Contract (“IAC”). The IAC does not cover Plaintiff’s claims against AoA and DF because those claims do not arise and/or result from BCA’s engagements under the IAC. Even assuming that the IAC applies, AoA and DF are not entitled to

indemnification for their own negligence because nothing in the IAC explicitly provides for such an arrangement.

BCA relies on a Memorandum in Support and Statement of Undisputed Material Facts, including exhibits, filed contemporaneously herewith, and the entire record in this cause. Accordingly, BCA respectfully moves this Court to grant its motion for summary judgment.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL, AND BERKOWITZ, PC

/s Mary Wu Tullis

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 4, 2019, a copy of the foregoing electronically filed document was served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party:

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